IN THE

UNITED STATES PATENT AND TRADEMARK OFFICE

ART UNIT 3727

Examiner Maerena W. Brevard

Tonya Daree Bauer

CASE 471

SERIAL NO. 10/008,986

FILED November 2, 2001

SUBJECT QUICK-CHANGE WATCHBANDS

THE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

REMARKS IN RESPONSE TO OFFICE ACTION

The following remarks are in response to the Office Action mailed July 30, 2003, in the above-identified patent application.

The outstanding Office Action was made final when mailed. Upon reviewing the Office Action, applicant's undersigned attorney recognized that it should not have been made final, since it contained new grounds for rejection of claims that had not been amended. Following a telephone conference on August 4, 2003, with Supervisory Primary Examiner Vidovich regarding this matter, the finality of the outstanding Office Action was withdrawn by way of an Interview Summary form mailed by the Office on August 5, 2003.

Applicant notes with appreciation the Examiner's indication that claims 8 and 9 contain allowable subject matter.

Claims 1, 2, and 8 stand rejected under 35 U.S.C. 103(a) as being anticipated by U.S. Patent No. 2,359,148 to Partridge in view of U.S. Patent No. Des. 287,229 to Hallman et al., both newly cited.

Reconsideration and withdrawal of this rejection is respectfully requested.

Independent claim 1 is very specifically directed to "A quick-change two-piece watchband for attachment to a watchcasing, comprising: a watchcasing having a first watchcasing pin at a first end thereof and having a second watchcasing pin at a second opposite end thereof; a first piece of said two-piece watchband having a length of a hook and loop fastener material on a bottom surface thereof proximate an end thereof to be attached to said first end of said watchcasing, the hook and loop fastener material serving to secure said first piece in a desired position after said end of said first piece has been threaded behind said first watchcasing pin; and a second piece said two-piece watchband having a length of a hook and loop fastener material on a bottom surface thereof proximate an end thereof to be attached to said second end of said watchcasing, the hook and loop fastener material serving to secure said second piece in a desired position after said end of said second piece has been threaded behind said second watchcasing pin." Independent method claim 8 is similarly directed to the method of attachment of the two-piece watchband of claim 1, including the specifically-recited steps of threading each of the two pieces downward and behind respective ones of the watchcasing pins.

It is applicant's position that the above-recited features of applicant's independent claims 1 and 8 are simply not shown or suggested by any of the references of record, taken alone or in any combination.

The primary Partridge reference is directed to a two-piece watch strap in which attachment to the watch is accomplished by providing a narrowed end portion of each of the two pieces of the watch strap. Each of the narrowed end portions terminates in a wing-shaped enlarged member that is inserted in slots provided in each piece of the watch strap. Partridge teaches that his two-piece watchstrap provides more secure attachment of each piece thereof to the watchcasing than is provided by prior art stitching attachment, thereby eliminating the "...tearing or breaking away of any of the strap portions due to the pulling out or wearing away of the stitches...." It is therefore clear that the Partridge reference teaches away from any type of quick-change watchstrap or band.

The secondary Hallman et al. design patent reference, unlike the two-piece watchstrap of Partridge and the two-piece watchband of applicant, is clearly directed to a one-piece watchband, illustrated in Figure 3 as the lowermost, continuous layer of material. As suggested in Figure 1, a watch shown in phantom is positioned on top of this single layer of watchband material. An addtional flap of material, extending upwardly and to the right, is presumably permanently attached on top of this single watchband layer, in accordance with the teachings of an earlier utility patent to Hallman et al. (U.S. Patent No. 4,103,808) that has come to applicant's attention by way of its citation in the Cross reference of record. In accordance with the teachings of the earlier Hallman et al. reference, this additional flap of

material is intended to removably cover the watch that is positioned on top of the single-piece watchband layer to protect the face of the watch from damage. The broken line showing of the watch in the applied Hallman et al. reference appears to be attachable on top of the single-piece watchband layer by means of two additional short strips that are attached on the top surface of the single-piece watchband layer to the left and right of the watch shown in phantom. These added short strips of material, which are illustrated as being much narrower than the watchband layer, can in no way be considered to be a watchband. While they are illustrated as containing hook and loop fastener material, that hook and loop fastener material is provided on the top surface of each of the added strips, not on the bottom surface of the watchband itself, as specfically taught and claimed by applicant. Thus, the two short strips of hook and loop fastener material added on top of the one-piece watchband illustrated in Hallman et al. of record must be guided upwardly and behind each of the watchcasing pins, thereby leaving the free ends of those strips exposed on top of the single-piece watchband layer where they are not only unsightly, but where they may also easily contact an external object during normal movement of the wearer's arm and thereby become disengaged from the watchcasing. This is totally unlike the two-piece watchband specifically taught and claimed by applicant, in which the watchcasing end of each of the two pieces is guided downwardly and behind a corresponding one of the watchcasing pins, resulting in each of the free ends being finally positioned on the underside of the respective ones of the two pieces of the watchband, in contact with the wearer's wrist, out of sight, and protected from inadvertent contact with an external object that could very easily result, in the case of

the watchband of the applied Hallman et al. reference, in partial or total disengagement of the watch.

For the reasons set forth in detail above, it is applicant's position that neither the applied Partridge reference nor the applied Hallman et al. reference contains any showing or suggestion whatsoever for combining those references in the very general way suggested by the Examiner. In fact, as stated above, the primary Partridge reference actually teaches away from any type of quick-change watchband, such as that taught and claimed by applicant, which would allow the wearer to quickly remove one watchband from a chosen watch and just as quickly install another, as may be frequently desired in order to provide color and style coordination of a chosen watchband with other items of the wearer's wardrobe.

It is therefore believed that, in the outstanding obviousness rejection, which includes separate prior art references to represent the different features claimed by applicant, the Examiner has used applicant's claims as the guide in attempting to piece together the claimed invention, since neither of the references contains any suggestion or motivation for their combination. Therefore, any such combination amounts to a reconstruction of applicant's invention using hindsight. It is well settled law that in making a determination as to obviousness, the references must be read without the benefit of applicant's teachings. Nevertheless, even assuming arguendo that the Partridge and Hallman et al. references could be combined without the benefit of appicant's teachings, it is submitted that, for the reasons set forth in detail hereinabove, 1) they cannot be combined in an operative fashion; and 2) even if so combined, the combination would still

fail to yield applicant's specifically claimed invention.

In view of the foregoing detailed remarks, it is respectfully submitted that applicant's claims 1, 2, and 8, along with claims 3 and 9, directed to subject matter indicated as allowable, are clearly patentable over all of the references of record, taken alone or in any combination, and that this application is now in condition for allowance. Favorable action is accordingly solicited.

Respectfully submitted,

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October 29, 2003
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